THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.1227 of 2007

Date:23.01.2007

Between:

A.Nagaraju Goud

.. PETITIONER

AND

The Regional Transport Authority and another

..RESPONDENTS

ORDER:

The petitioner is the owner of a heavy goods vehicle bearing registration No.AP02 V 2534. It was seized by the second respondent on 30.08.2006 under a Vehicle Check Report bearing No.3230528. Several lapses were pointed out. The petitioner seeks release of the vehicle.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

The question as to whether the petitioner committed lapses mentioned in the check report, needs to be examined in the enquiry or proceedings that would ensue under the provisions of the Motor Vehicles Act and Rules made there under. The continued seizure and detention of the vehicle does not sub-serve the purpose of the respondent. On the other hand, the vehicle would be exposed to damage and theft of parts. The interest of the parties can be protected by directing release of the vehicle, subject to certain conditions.

Hence, the writ petition is disposed of, directing release of the vehicle of the petitioner, on condition that he deposits a sum of Rs.10,000/- (Rupees ten thousand only) and furnishes an undertaking to the effect that he shall not alienate the vehicle till the completion of the proceedings to be instituted on the basis of the check report. The petitioner shall be entitled to ply the vehicle only after clearing the arrears of tax. There shall be no order as to costs.

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23.01.2007

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